
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CFMT-TV re an episode of the *Jerry Springer Show*

(CBSC Decision 98/99-1092)

Decided November 19, 1999

A. MacKay (Chair), R. Stanbury (Vice-Chair), P. Fockler, M. Hogarth and S. Whiting*

* Since Madeline Ziniak, who customarily sits on the Ontario Regional Council, is employed by the broadcaster in question, she did not participate in the resolution of this matter.

THE FACTS

The episode of the *Jerry Springer Show* in question, entitled "I'm Dumping My Lover!", aired at 10 pm on June 9, 1999 on CFMT-TV (Toronto). It was preceded by the following on-screen viewer advisory: "The Jerry Springer Show may contain adult themes or strong language. Parents are cautioned that this program may not be appropriate for children." It should be noted, in the opening words to the decision regarding this episode, that, unlike the case of episodes dealt with by the Atlantic and Quebec Regional Councils in *CIHF-TV and CKMI-TV re The Jerry Springer Show* (CBSC Decision 97/98-1277, May 28, 1999), this episode contained no physical violence component whatsoever.

As is customary, the various guests on this episode of the show had sexual or relationship stories to recount. Since the accounts of three of the four guests were neither the subject of the complaint nor raised any particular concerns for the Regional Council, they will not be described here or dealt with in the decision. Suffice it to say that they generally raise bizarre, abnormal and antisocial behaviour patterns on the part of the show's guests.

Insofar as the particular issue which was the subject of the complainant's letter is concerned, "Jessica", the guest, is "disgusted by her boyfriend's fetish". Apparently, "Lance" gets aroused by throwing up on Jessica during sex. Although she is disgusted by the practice, she claims not to want to leave Lance because she loves him. Then Lance comes onto the stage and describes how and why he throws up. The audience is then

introduced to "Octavia", Lance's new lover, who apparently shares Lance's fetish. She is greeted on stage by Lance who proceeds to vomit on her. The two lovers are seen covered in green bile. As the three guests talk, the camera periodically focuses on the green bile splattered on the set.

The complainant registered his concerns about the show in an e-mail of June 10, which was sent to the CRTC and forwarded to the Council in due course. (The full text of the complaint can be found in the Appendix to this decision.) After describing the segment in question, the complainant stated:

While I find the Jerry Springer show distasteful in general, I found that this particular segment to be disgusting, repulsive, degrading and dehumanizing, and for these reasons I believe the show to be in contravention of Canadian broadcast standards. If the Springer show can show this, what will they show next? Urination? Defecation?

The Executive Vice President of CFMT-TV, who responded to the complainant on July 7, did not actually treat the individual concern relating to the vomiting fetish in any more detail than this.

We agree with your basic point of view that the topic of the program was in bad taste and stretched the boundaries of even late night television.

He added some more general comments relating to the station's concerns about the show itself which are relevant to this decision. (The full text of the letter is available in the Appendix to this decision.)

As a result of this particular broadcast, CFMT has decided to put "The Jerry Springer Show" under serious review beginning with the Fall season 1999 for 90 days of evaluation.

You may or may not know that the distributors and producers of the program have made a commitment at this time to alter the direction of the content of the program. ...

These two developments have made "The Jerry Springer Show" very much a watch file for our programming people and we will be waiting for these results to make our decision. ...

Inasmuch as CFMT takes your points to heart and the program will be under additional scrutiny this fall, we must point out that the program has a reputation for being "over the top," outrageous and somewhat sensational. However it does not contravene the CBSC standards and is run after the 9 p.m. watershed hour for adult themes. We also ran the appropriate disclaimers at the beginning of the program in accordance with CBSC standards.

We know "The Jerry Springer Show" is not to everyone's taste but many, many viewers are loyal and consider it entertainment.

The complainant was unsatisfied with the broadcaster's response and requested, on July 19, that the CBSC refer the matter to the Ontario Regional Council for adjudication.

THE DECISION

The Ontario Regional Council considered the matter under Clause 6(3) of the Canadian Association of Broadcasters (CAB) *Code of Ethics* and Clause 4 of the *CAB Sex-Role Portrayal Code*. The Regional Council members viewed tapes of the programs in question and reviewed all of the correspondence. The Council does not consider that the program in question is in breach of either of the foregoing Codes.

The Content of the Program

While the previous decision of the Atlantic and Quebec Regional Councils in *CIHF-TV and CKMI-TV re The Jerry Springer Show* (CBSC Decision 97/98-1277, May 28, 1999) ultimately turned on the question of violence, which is not at issue here, the Ontario Regional Council does consider that there is some relevance in citing a part of that decision which it believes pertains equally to the episode of the show which they were required to review.

The situations in which the show's invitees find themselves, at least in the shows complained of, generally revolve around bizarre sexual relationships, if not improprieties in general societal terms. ... There are aspects of the shows which are ... *suggestive* but, in the view of the Councils, they do not extend beyond that. This is not to say that the Councils approve of the content of the shows or consider them appropriate for young people but only that, in general, the subject matter dealt with does not fall afoul of any of the private broadcaster Codes. Indeed, to the extent that the Councils are troubled by the subject matter, it results primarily from their concern that the broadcasting of such aberrant behaviour as generally characterizes the show has the effect of desensitizing the viewers (of any age) to the disregard of normative social behaviour. While this may be a regrettable result, it does not constitute a breach of any Code.

As this Council said in *The Comedy Network re The Tom Green Show* (CBSC Decision 98/99-0291, June 17, 1999), in which the prop of a dead pigeon was used as the source of humour for the host on that occasion,

While *The Tom Green Show* may be unpalatable for some, it may also be meeting the special likes and desires of others. That is a question to be determined, on the one hand, by the broadcaster in its decision to put the show on the air and by the viewer, on the other hand, in deciding to watch or not watch the program.

In this case, the Council does not find that the complainant's characterization of the episode in question is exaggerated when he observes "this particular segment to be disgusting, repulsive, degrading and dehumanizing," but this is not the determinative issue for the Council in the assessment of the broadcast in question. In the conflict between *bad taste* and free speech, the Council always comes down on the side of speech. See e.g. *CHOM-FM and CILQ-FM re The Howard Stern Show* (CBSC Decision 97/98-0001+,

October 17-18, 1997). Consequently, however bizarre the guest's behaviour may have been, the Ontario Regional Council adopts the view of the Atlantic and Quebec Regional Councils in concluding that it does not amount to a breach of any of the broadcast Codes which the CBSC administers. Such electronic exemplification of social misfits may not add to society's knowledge base but such questions of judgment and taste must be left to the viewer to subscribe to or reject on his or her own.

The Applicability of the Sex-Role Portrayal Code

Although not raised as a principal issue by the complainant, the Ontario Regional Council has considered the question of the prohibition of negative and degrading comments as laid down in Article 4 of the *CAB Sex-role Portrayal Code*. In this respect, it views the finding of the Prairie Regional Council in *CKX-TV re National Lampoon's Animal House* (CBSC Decision 96/97-0104, December 16, 1997) as apt.

While the portrayal of the women in the film is not overly flattering, it cannot either be said that the portrayal of the men is any better or advantages them in any way. All in all, the presentation of almost every one of this group of young college people is as unflattering as one might expect from a film emphasizing the frivolous, narcissistic, often gross, occasionally disgusting portrait of college fraternity life which can best be characterised as high farce. The question of portrayal inequality does not come into play.

The demeaning nature of the acts and words of the participants is equally administered, from a gender and sexual orientation perspective and any resulting harm is largely, if not wholly, self-inflicted.

Some Special Circumstances in this Case

It is not customary for the Council to take note of events arising between the time of a complaint and the meeting giving rise to a decision, on the one hand, and the date of drafting, on the other. In this case, however, the broadcaster had itself indicated in its letter of response that it was, in effect, putting the show on probation for the fall season. In the circumstances, the Ontario Regional Council considers it relevant to note that, in the intervening three weeks since the date of the Ontario Regional Council meeting and the release of this decision text, the broadcaster has made the following public announcement (on November 30):

CFMT Television announced today that effective December 20, 1999, back-to-back situation comedies *Newsradio* and *Frasier* will replace *The Jerry Springer Show* ... CFMT-TV's final broadcast of *Springer* will air December 17, 1999 at 10:00 p.m.

CFMT-TV has had *The Jerry Springer Show* under review since the beginning of the fall 1999 season, monitoring audience numbers and the changing direction of its content. In

recent weeks, the number of viewers tuning into *Springer* has decreased - compared to audience figures from last season over the same time period.

Even though CFMT-TV airs *The Jerry Springer Show* at 10:00 p.m., well past the 9:00 p.m. "watershed" for adult-oriented material, it has chosen to voluntarily remove the program from its broadcast schedule. *Springer* no longer fits with plans the multicultural/multilingual broadcaster currently has in development.

CFMT-TV has reviewed with interest, recent decisions made by the Quebec and Atlantic Regional Councils of the Canadian Broadcast Standards Council (CBSC) in connection with *The Jerry Springer Show*. CFMT is also aware that the CBSC is dealing with a further complaint against *Springer* at the present time.

CFMT-TV actively supports the CBSC, and is a long-standing member. It fully embraces self-regulation and the CBSC's broadcast codes and standards. CFMT intends to continue to fully co-operate with the Council.

In this sense, the broadcaster has, the Council must assume, provided the ultimate solution to the complainant in question. As the Council has often said in the past, such action on the part of a broadcaster is not an admission of any breach of a Code but, among other things, an example of responsiveness to its audience's concerns.

Broadcaster Responsiveness

The CBSC always recognizes the broadcaster's obligation, as a CBSC member, to be responsive to complainants. In this case, the Regional Council considers that the response from the broadcaster to the complainant was fair and frank, among other things, in its declaration that it had "decided to put *The Jerry Springer Show* under serious review beginning with the Fall season 1999 for 90 days of evaluation." Moreover, by then taking the final step of removing the show from the air and declaring publicly why it had chosen to do so, the broadcaster, as noted above, has provided the ultimate response to the complainant. In the circumstances, it is impossible to find a clearer example of the fact that the station was in more than full compliance with the Council's standard of responsiveness.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.

**APPENDIX
to CBSC Decision 98/99-1092
CFMT-TV re and episode of *The Jerry Springer Show***

I. The Complaint

The following e-mail complaint dated June 10, 1999 was sent to the CRTC's Head Office which forwarded the matter to the CBSC in due course:

I wish to make a complaint regarding the June 9th Jerry Springer show, which aired between 10 pm and 11 pm on CFMT television (Rogers cable 14 in Ottawa).

On the show, a woman complained that, during sex with her boyfriend, he intentionally vomited on her as a sexual fetish. Apparently, her boyfriend wanted to continue practising this fetish, but the woman did not. Her boyfriend then appeared on the show, and told her he had found another woman who enjoyed this fetish. This new woman then appeared on stage, in black vinyl pants and bra. The man got up to greet the woman, and, while embracing her, proceeded to intentionally vomit all over the woman. I can assure you that this was shown explicitly and graphically, with nothing to the imagination. They focussed on the woman, covered in green stomach bile, frequently for the next five or ten minutes. At one point the woman said "I love the taste", took some on her finger and appeared to place it in her mouth.

While I find the Jerry Springer show distasteful in general, I found that this particular segment to be disgusting, repulsive, degrading and dehumanizing, and for these reasons I believe the show to be in contravention of Canadian broadcast standards. If the Springer show can show this, what will they show next? Urination? Defecation?

I ask that you take whatever action is appropriate against the station which aired this show.

I thank you and I look forward to hearing from you.

II. The Broadcaster's Response

The Executive Vice President of CFMT-TV responded to the complainant's letter on July 7th, 1999 with the following:

We have received your complaint with regard to the June 9th broadcast of "The Jerry Springer Show." We agree with your basic point of view that the topic of the program was in bad taste and stretched the boundaries of even late night television.

As a result of this particular broadcast, CFMT has decided to put "The Jerry Springer Show" under serious review beginning with the Fall season 1999 for 90 days of evaluation.

You may or may not know that the distributors and producers of the program have made a commitment at this time to alter the direction of the content of the program. There is also talk of the program itself being purchased by another enterprise in the near future.

These two developments have made "The Jerry Springer Show" very much a watch file for our programming people and we will be waiting for these results to make our decision. We will be asking the distributors for the right to delete and substitute different episodes once the ownership issue is resolved.

Inasmuch as CFMT takes your points to heart and the program will be under additional scrutiny this fall, we must point out that the program has a reputation for being "over the top," outrageous and somewhat sensational. However it does not contravene the CBSC standards and is run after the 9 p.m. watershed hour for adult themes. We also ran the appropriate disclaimers at the beginning of the program in accordance with CBSC standards.

We know "The Jerry Springer Show" is not to everyone's taste but many, many viewers are loyal and consider it entertainment.

Thank you for taking the time to express your point of view.